

## REMARKS

This patent application presently includes Claims 1-16, all of which stand rejected. Claims 3, 6 and 14 are amended to define the applicant's invention more clearly, and all rejections are respectfully traversed.

Claims 1-16 were rejected as indefinite. Specific grounds were offered for certain claims, and those are discussed below.

Claims 1 and 9 were rejected because "the rotational speed of the motor" lacks insufficient structure because the claims lack a speed sensor. It is respectfully submitted that this decidedly not the case. The function of the judgment unit of Claim 1 and the means for judging of Claim 9 is "judging whether a rotational speed of a motor is within a predetermined range." Clearly, this function involves sensing speed. There is therefore a speed sensor present in the claim, and this rejection should be withdrawn.

Claims 2 and 10 were rejected because "plates which are laminated..." does not appear to be relevant to the subsequent "so that recesses fit shapes of the permanent magnets." It is respectfully submitted that the examiner is not reading this claim correctly. The clause beginning with the words "so that" defines "laminated", as does the clause "in an axial direction of a rotational axis." Since the "so that" clause defines how the plates are laminated, it is, indeed, relevant to the "plates are laminated..." recitation. Accordingly, this rejections should be withdrawn.

Claims 3, 6 and 14 were rejected owing to the inadvertent omission of the word "value" after "maximum root-mean square." These claims have now been corrected by inserting the word "value", and the rejection should therefore be withdrawn.

Claims 1, 2, 9 and 10 were rejected as obvious over Matsushita et al., U.S. Patent No. 6,427,104 in view of Coles et al., U.S. Patent No. 6,124,688. This rejection should be withdrawn because it is an improper rejection. Specifically, Matsushita's earliest date as a reference is its U.S. filing date of January 7, 2002. It should be noted that the present application claims the priority of two Japanese applications filed March 12, 2001 and October 16, 2001. Both of these dates predate the filing of Matsushita. Accordingly, Matsushita is not prior art with respect to the present application. The obviousness rejection is therefore improper and must be withdrawn.

Claims 2 and 10 were rejected as obvious over McLaughlin et al, U.S. Patent No. 5,568,389 in view of Coles. This rejection is respectfully traversed. Initially, it is noted that the rejection is improperly presented and does not make out a prima facie case of obviousness. Specifically, the examiner does not explain the relevance of McLaughlin, nor how the references would be combined to arrive at the claimed invention. Also, no prior art motivation is discussed for combining the two references. In short, the examiner's five line explanation provides no justification for the rejection and does not provide sufficient information for one to

understand the basis of the rejection, much less to be able to respond to it. This rejection should be withdrawn.

It is noted that the examiner asserted that Coles discloses "recess magnets 27 and rotator 26, referring to Fig. 12 in Column 6, Lines 40-41. However, the cited portion of Coles actually states that "the rotor carries back iron sleeve 26 having magnets 27 secured around its periphery covered by a rotor sleeve 28." From this statement in Coles, it is clear that the magnets 27 are attached along the periphery of the rotor core (i.e. Coles has the same construction as the prior art discussed in the present application). Clearly, Coles does not teach or suggest magnets imbedded in recesses in the rotor core, as presented in Claims 2 and 10.

It is noted that Claims 2 and 10 depend from Claims 1 and 9, respectively. By definition, each dependent claim includes every feature of the claim from which it depends. Since the examiner has no basis in the record for rejecting Claims 1 and 9, these claims are allowable, and every claim dependent from them is also allowable. In other words, the examiner cannot make out a rejection of a dependent claim without first making out a rejection of the claim from which it depends.

The undersigned respectfully submits that, as this application currently stands, no proper rejection has been made of any claim, and all claims are in condition for allowance.

Applicant's attorney has made every effort to demonstrate that this patent application is in condition for allowance. It is therefore earnestly requested that this application, as a whole, receive favorable reconsideration and that all claims be allowed as presently constituted. Should there be unanswered questions, the examiner is requested to call the applicant's undersigned attorney at the telephone number given below.

Respectfully submitted,

  
Joseph B. Lerch  
Reg. No. 26,936  
Attorney For Applicant(s)

DARBY & DARBY P.C.  
P.O. BOX 5257  
New York, NY 10150-5257  
(212) 527-7700